

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

(1) JON MARC PULLIAM and)	
(2) CHRISTINE PULLIAM,)	
)	
Plaintiffs,)	
)	
v.)	CASE NO. _____
)	
(1) SODEXO MANAGEMENT,)	(Removed from Tulsa County District
INC., a New York corporation,)	Court - Case No. CJ-2018-3610
)	Judge Daman Cantrell)
Defendant.)	

NOTICE OF REMOVAL

Defendant Sodexo Management, Inc. (“Sodexo”), pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, removes the above-captioned action pending in the District Court of Tulsa County, Oklahoma, to the United States District Court for the Northern District of Oklahoma. The grounds for removal are as follows:

1. Plaintiffs commenced this action styled *Jon Marc Pulliam and Christine Pulliam v. Sodexo Management, Inc.*, Case No. CJ-2018-3610 (the “Action”), by filing a Petition with the District Court of Tulsa County, Oklahoma (hereinafter referred to as the “Complaint”), on August 29, 2018.

2. The Complaint asserts claims against Sodexo for alleged negligence. Plaintiffs seek damages in an amount in excess of \$75,000, exclusive of attorneys’ fees, costs, and interest. *See* Complaint at “Wherefore” clause (Ex. 1).

3. The Complaint in the Action is attached as Exhibit 1. A copy of the Docket Sheet, Tulsa County Case No. CJ-2018-3610, is attached as Exhibit 2. A copy of the service of process through Corporate Creations Network, Inc., on Sodexo is attached as Exhibit 3. Sodexo is unaware of the existence of any process, pleadings, or orders other than the documents

included in Exhibit 1-3. Moreover, there are no motions pending before the Tulsa County District Court in this matter, nor are any hearings currently set.

4. As set forth more fully below, this case is properly removed to this Court under 28 U.S.C. §§ 1332, 1441, and 1446 because Sodexo has satisfied the procedural requirements for removal and this Court has subject matter jurisdiction under 28 U.S.C. § 1332.

I. Sodexo has satisfied the procedural requirements for removal.

5. Sodexo was served with the Complaint on October 22, 2018. *See* Ex. 3. Therefore, this removal is timely filed under 28 U.S.C. § 1446(b).

6. Under 28 U.S.C. § 1446(a), the United States District Court for the Northern District of Oklahoma is the appropriate court for filing this Notice of Removal from the District Court of Tulsa County, Oklahoma, where the Action was pending. *See* 28 U.S.C. § 116(a).

7. Venue is proper pursuant to 28 U.S.C. §§ 1441(a) and 1391(b).

II. Removal is proper because this Court has subject matter jurisdiction under 28 U.S.C. § 1332.

8. This Court has original jurisdiction over this action under the diversity of citizenship provision contained in 28 U.S.C. § 1332(a) because this is a civil action (A) where the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and (B) is between citizens of different states. Thus, the Action may be removed to this Court by Sodexo pursuant to 28 U.S.C. § 1441(a).

A. The amount in controversy requirement is satisfied.

9. It is apparent from the face of the Complaint that Plaintiff seeks recovery of an amount in excess of \$75,000, exclusive of interest and costs. *See* Ex. 1, Complaint at “Wherefore” clause (“the Plaintiffs, Jon Marc Pulliam and Christine Pulliam, husband and wife,

pray for money judgment against Defendant, Sodexo Management, Inc., for actual damages in a sum in excess of \$75,000, each ...”)

10. The assertions regarding damages in the Complaint are sufficient to demonstrate that the amount in controversy requirement for diversity jurisdiction has been met. 28 U.S.C. § 1446(c)(2).

B. Complete diversity of citizenship exists between Plaintiff and Sodexo.

11. Sodexo is incorporated in New York with its principal place of business in Maryland. For purposes of determining diversity jurisdiction, Sodexo is therefore a citizen of New York and Maryland.

12. Plaintiffs are residents of Oklahoma. *See* Ex. 1, Complaint, ¶ 1. Residence, while not equivalent to citizenship, is prima facie evidence of domicile. *See State Farm Mut. Auto. Ins. Co. v. Dyer*, 19 F.3d 514, 520 (10th Cir. 1994). Domicile is equivalent to citizenship for purposes of diversity jurisdiction. *See Smith v. Cummings*, 445 F.3d 1254, 1259-60 (10th Cir. 2006). Based on the foregoing and upon information and belief, Plaintiffs are citizens of the State of Oklahoma.

13. Sodexo reserves the right to amend or supplement this Notice of Removal.

14. Sodexo reserves all defenses, including, without limitation, those set forth in FED. R. CIV. P. 12(b).

15. Sodexo has not yet filed a responsive pleading and reserves the right to file its responsive pleading in accordance with FED. R. CIV. P. 81(c)(2)(C), or as otherwise extended by Order of this Court.

16. Written notice of the filing of this Notice of Removal will be given to Plaintiffs' counsel and the state court promptly after the filing of the Notice of Removal pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Sodexo Management, Inc. removes this Action to this Court under 28 U.S.C. §§ 1332, 1441, and 1446, and invokes this Court's jurisdiction.

Dated this 9th day of November, 2018.

Respectfully submitted,

s/ William S. Leach
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**Counsel for Defendant Sodexo Management,
Inc.**

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of November, 2018, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following registrants:

Anthony P. Sutton
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Tulsa, Oklahoma 74137
Attorney for Plaintiffs

/s/ William S. Leach